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Summary record of the 2173rd meeting
Held at Headquarters, New York, on Thursday, 18 March 2004, at 3 p.m.

Chairperson: Mr. Amor

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Second periodic report of Suriname (CCPR/C/SUR/2003/2)

1. *At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.*

2. **Mr. Limon** (Suriname), introducing the State party's report, described the democratic institutions in Suriname and the setbacks to the full enjoyment of human rights under military regimes in the 1980s and the early 1990s. Despite reporting delays in the past that were largely attributable to the disruption of the rule of law by the military and paramilitary disturbances in the country's interior, Suriname was committed to complying with its reporting obligations and to guaranteeing fundamental rights and freedoms as well as economic, social and cultural rights to its people. Those rights were enshrined in its Constitution, adopted after the restoration of democracy in 1987, and the constitutional amendments of 1992, introduced following the restoration of the democratic civilian government for the second time. His country's prompt response to the questions submitted to it by the Committee in 2002 and the submission of its second periodic report in June 2003 demonstrated its serious commitment to timely compliance with its obligations in future.

3. **The Chairperson** invited the delegation to address the list of issues (CCPR/C/80/L/SUR).

Constitutional and legal framework (article 2 of the Covenant)

4. **Mr. Limon** (Suriname), referring to question 1 on the list of issues, said that the draft bill to establish a Constitutional Court was still before the National Assembly and that, in the interim, the national courts were competent to block the implementation of specific cases or legislative provisions that were contrary to the Constitution or international instruments to which Suriname was a party. The delegation was not aware of any particular obstacle to enactment of the draft bill and would urge the National Assembly to accelerate that process.

5. Turning to question 2 on the list of issues, he said that investigation of human rights violations under the military regime was a priority of the incumbent Government. The remains of the "December murders" victims had been exhumed with the assistance of experts from the Netherlands, and a number of suspects had been registered with the Office of the Attorney-General. Depositions had been taken in both Suriname and the Netherlands from suspects, witnesses and victims' family members, and a special investigative "Rogatoire Commissie", headed by the Investigating Judge, had visited the Netherlands several times to continue the investigation. The Government would indict the suspects as soon as the necessary evidence had been gathered.

6. The Office of the Attorney-General had appointed a senior prosecution officer to head the investigation into the 1986 massacre in the Maroon village of Moiwana. Unfortunately, a number of individuals who could have provided information had died. Others had moved to the Netherlands or France (French Guyana), or were unwilling to testify. Nevertheless the Government remained firmly committed to concluding the investigation. A number of other incidents which had occurred in the 1980s and seemed to be interrelated, including the murder of Police Inspector Gooding and the disappearances of Biko Sabajo et al., were under investigation by the Office of the Attorney-General. The State party would welcome any assistance the Committee and the international community could provide.

7. Referring to question 3 on the list of issues, he said that Dr. Baboeram had been one of the victims of the "December murders" currently under investigation. There had been no violations of the right to life since the demise of the military regime.

Gender equality and principle of non-discrimination (article 3 of the Covenant)

8. **Mr. Limon** (Suriname), referring to question 4 on the list of issues, said that the Ministry of Home Affairs had adopted a timebound General Gender Policy Programme (GGPP) to address a number of provisions of domestic legislation which discriminated against women. The Ministry of Home Affairs was working closely with non-governmental organizations (NGOs), international organizations, United Nations agencies and other ministries to remedy the situation.

A copy of its General Gender Policy Programme had been submitted to the Committee.

9. Referring to question 5 on the list of issues, he noted that the draft amendment to the Penal Code submitted in 1993 had since been withdrawn. In 2001, the Ministry of Home Affairs had appointed an interdepartmental committee to evaluate women's rights in government policy and social development in the context of the relevant international instruments, evaluate, and where necessary, revise gender-related legislation and propose amendments to discriminatory legislation.

Right to life and prevention of torture (articles 6 and 7 of the Covenant)

10. **Mr. Limon** (Suriname) referring to question 6 on the list of issues, said that the abolition of capital punishment would necessitate a broad discussion among several actors in the community, including religious leaders, NGOs, human rights organizations, political leaders, legislators and victims' organizations. Currently, opinion was divided, as some of those actors (Members of Parliament and religious leaders) were concerned about the rise in crime. For the time being, the Government did not contemplate either the de jure or de facto abolition of the death penalty.

11. Turning to question 7 on the list of issues, he said that no decision had as yet been taken on accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Since November 1987, Suriname had been a party to the Inter-American Convention to Prevent and Punish Torture, which defined criteria were similar to those of the United Nations Convention. Therefore, the Government saw no immediate need to accede to the latter.

12. Referring to question 8 on the list of issues, he said that the investigation into the murder of Police Inspector Herman Gooding had been reopened in August 2002. Although depositions had been taken by the authorities, they faced several obstacles. Individuals were reluctant to give information, changed their testimony or simply claimed they could not recall the details of what had happened. Nonetheless, the Government was determined to continue its investigation.

13. Referring to question 9 on the list of issues, he said that there had been no suicides by children between the ages of 6 and 10 years. Under Surinamese legislation, physicians were required to report all suicides to the Office of the Attorney-General, whose records did not substantiate the claim that the main cause of death among girls between 6 and 14 years of age was suicide attributable to sexual abuse. NGOs and other institutions contacted by the State had no information regarding such occurrences. Any information the Committee possessed should be submitted to his Government urgently.

14. With regard to the ill-treatment of detainees (question 10), the Government, acting on the recommendations of a commission investigating conditions of detention, had instructed the police force that it must immediately investigate all accusations of ill-treatment, beatings or sexual abuse. As a result of the investigation, several police and correctional officers had been dismissed. Also, the police force itself had an internal investigatory unit which functioned impartially. Pursuant to the same commission's report, and in addition to the measures outlined in the second periodic report (paras. 153-155), a new multifunctional detention centre that should improve prison facilities significantly was being built, and 100 police officers had received training in the treatment of prisoners. The situation of detainees had improved considerably, and the Government was still working to meet the standards of the Covenant, a task in which it was ably assisted by non-governmental organizations.

15. A commission on sexual offences had been established to do research and propose legislation on the protection of women against domestic violence, marital rape, sexual harassment and the like (question 11). Also, the Ministry of Home Affairs had established a commission on gender-related legislation to review domestic laws with that perspective. Training sessions had been held for judges, attorneys and prosecutors and there had been several community meetings to discuss the proposed legislative reforms. Even in the absence of specific legislation on the matter, however, several of the offences in question could be prosecuted under provisions of the Criminal Code.

Prohibition of slavery and slavery-like practices (article 8 of the Covenant)

16. **Mr. Limon** (Suriname) said that a regional survey of several Caribbean States including Suriname,

had uncovered the phenomenon of trafficking in women in defiance of the provisions of the Criminal Code, which criminalized both trafficking (article 307) and prostitution (article 306). Pursuant to the recommendations of the special working group established by the Ministry of Justice and Police to combat trafficking in women and girls (question 13), the Government had swiftly taken corrective action in the form of stationing a police presence in certain establishments to ensure, in close collaboration with the Office of the Attorney-General, that women were not being sexually coerced in any way. In conjunction with non-governmental organizations, the Government was preparing pamphlets to inform such women of their rights and the available remedies, and generally to combat trafficking in human beings.

17. **Mr. Rivas Posada** welcomed the resumption of dialogue with Suriname after an unduly long delay. In order to discharge its function of monitoring the situation with regard to implementation of the Covenant in Member States the Committee needed specific information on legislation and guarantees and on practical outcomes and remedies for citizens. In that respect the Suriname report was disappointing, as it often merely cited anticipated future action. For instance, with regard to the constitutional and legal framework, the establishment of a Constitutional Court continued to be delayed, so there was no legal mechanism for determining whether laws were constitutional and citizens remained without that important remedy. With regard to the tragic Moiwana massacre in 1986, the Government had still not assessed responsibility nor had victims been compensated. Similarly, there seemed to have been no action on the Committee's recommendation regarding the Baboeram et al. case, which dated back to 1983. The answers with regard to question 4 on the list of issues were also not fully satisfactory. The gender-discriminatory provisions of the Acts cited remained in force and a draft amendment to the Penal Code that would have criminalized gender-based discrimination had apparently been withdrawn. With regard to article 8 of the Covenant and the prohibition of slavery and slavery-like practices, there still seemed to be no specific laws prohibiting the exploitation of prostitutes. Finally, he wished to raise a new issue, namely states of emergency in light of article 4 of the Covenant. It would appear that there were no time limits established in the Constitution for such contingencies, which posed serious risks to the protection of the rights of citizens.

18. **Mr. Solari-Yrigoyen** said that, while he welcomed the end of the long delay in the submission of the report, the report left many expectations and hopes unfulfilled. Although numerous investigative bodies had been established to deal with various human rights problems, few results or remedies had emerged. With regard to question 6 on the death penalty, for instance, there had apparently been many years of discussion but the Government was not even contemplating abolition, nor were there rigorous legal definitions of the crimes for which the death penalty could be imposed. On question 7 relating to accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it seemed that the Government had decided against accession. He asked whether there had been any public discussion of the issue and whether the Government saw no value in the Convention. Referring to paragraph 148 of the report, he said that it was not sufficient to state simply that there had been no "registered cases" of torture. No society could truthfully claim that it had no problems of torture. He asked what the Government was doing to deal with the problem. He was also disappointed that the answer to question 8 on the murder of Police Inspector Gooding merely reproduced the question. He asked that the Government inform the Committee at least as to whether there was any relation between the murder of the Police Inspector and the 1986 Moiwana massacres. The answer to question 9 on suicides among young girls left much to be desired, with no mention of any measures taken. Question 10 on alleged beatings of detainees also remained essentially unanswered. The Committee needed more precise information about whether there had been cases of such beatings and what was being done to punish those responsible and prevent recurrence. On question 11 relating to the protection of women against violence, he noted that another committee had apparently been formed but no information concerning its conclusions or any new laws had been provided.

19. **Mr. Bhagwati** also found the answers rather brief and general and regretted that there was no discussion of the legal norms that prevailed in the country. The country had emerged from military rule in the early 1990s and had been a functioning democracy for some time and yet many rather simple legislative measures had not been enacted to deal with human rights problems that many countries faced — gender-based discrimination, for example. The report contained, unfortunately, rather little discussion of human rights

laws and the relevant implementation mechanisms, without which laws remained merely declarations on paper. He asked what remedies were available to citizens if they felt that their rights had been violated.

20. **Mr. Glèlè-Ahanhanzo** agreed with his colleagues that the report and the answers provided by the delegation were not fully satisfactory. With regard to questions 12 and 13 and the prohibition of slavery and slavery-like practices, he asked what the situation in Suriname was with regard to traffic in women, girls and children, what sanctions were provided and whether there was a sex industry in the country. He requested statistics on those matters. How prevalent was sexual harassment at the workplace and what penalties were imposed?

21. **Mr. Ando** said that the Committee wanted very much to establish a constructive dialogue with the Government of Suriname and help it resolve the human rights problems it faced. To that end the Committee needed to know as clearly and accurately as possible the actual situation in the country. He reviewed information that the Committee had received from various sources regarding the November 1986 Moiwana massacre and the killing of Police Inspector Gooding in 1990 and asked the Government to clarify as fully as possible how it understood those events and what it had decided to do in that regard. He requested the delegation to convey to the Government the Committee's grave concern with regard to those omissions and asked that the Government commit itself to responding within the shortest possible time.

22. **The Chairman** expressed his support for the return to dialogue with the Government of Suriname and said that he shared the Committee's concern about the lack of information that persisted concerning the situation in Suriname. The Committee needed to know in greater detail and with greater precision what measures had been taken to meet the requirements of the Covenant. Suriname was aware of the guidelines for reporting and of the Committee's concerns. The Committee awaited with great interest additional information within two to three days so that it could be taken into account when the Committee drafted its observations on the report.

23. *The meeting was suspended at 4.40 p.m. and resumed at 5.10 p.m.*

24. **Mr. Limon** (Suriname) acknowledged that his delegation's report and/or replies generally lacked substance. A number of annexes had been included with the report in an effort to complement the information it provided. He pointed out that a great deal of work was under way in various areas: commissions had been established and programmes launched. However most were still in their initial stages and only preliminary information was available. Every effort would be made to provide additional information and the results of those efforts would be communicated to the Committee.

25. Turning to the issue of the Moiwana massacre, he said that his Government deeply regretted those events and was committed to a full investigation. It was cooperating with the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights in that regard and would continue to work to shed light on that event and bring the guilty parties to justice.

26. His Government had undertaken actions in cooperation with other States and implemented domestic measures to combat trafficking in human beings. It continued to work with non-governmental organizations and other Governments to eliminate the practice and prevent the use of its territory for that purpose. As a result, Suriname had been removed from the list of States identified with human trafficking in the regional survey of the problem. He noted that article 307 of the Criminal Code made trafficking in women and under-age men a crime punishable by five years' imprisonment and article 306 of the Criminal Code made prostitution punishable by a fine and at least one year in prison.

27. A commission had been established to study the problem of domestic violence and its conclusions would be provided to the Committee. The commission had already made recommendations and a special unit had been created to deal with cases of domestic violence and all complaints were required to be registered. The final report of the commission on domestic violence would be provided to the Committee. He stressed that existing legislation criminalized domestic violence.

28. Turning to the question of the establishment of a constitutional court, he said that his delegation would urge Parliament to enact the relevant draft legislation in the near future. He pointed out, however, that the Constitution required that laws and the actions of individuals and the authorities be in conformity with

the Constitution and that individuals did have remedies under domestic law if they felt that their rights were violated. National courts could disregard legislation which they held to be in conflict with the Constitution or indeed with international instruments, which were considered to take precedence over domestic law.

29. With regard to allegations of ill-treatment of detainees, he said that in accordance with the recommendations of the commission established to investigate conditions in detention centres, the police had been ordered to investigate all accusations of ill-treatment made by detainees. As a result some correctional officers had been fired. A unit had also been established to investigate accusations against police officers. His Government was determined to ensure appropriate conduct on the part of police and correctional officers and all law-enforcement officials. The results of its efforts would be communicated to the Committee as soon as possible.

Treatment of prisoners and other detainees, liberty and security of the person, and right to a fair trial (articles 9, 10 and 14 of the Covenant)

30. In response to question 14 on the long delay (44 days) before a detainee had to be brought before a judge, he said that the police were usually expected to submit all documents to the Office of the Attorney-General within 5 days, after which the case was submitted to a judge or other judicial authority as soon as possible. Most cases were therefore brought before a judge in substantially fewer than 44 days. Furthermore, detainees were no longer kept in pre-trial detention for excessively long periods. Every detainee had the right to file a motion pursuant to article 54 (a) of the Code of Criminal Procedures for review of his case by a judicial authority, the "investigating judge". His Government wished to bring national legislation into conformity with international norms and the Office of the Attorney-General was working with the National Assembly to enact legislation which would have that effect.

31. Turning to question 15, he noted that while domestic legislation did not allow for incommunicado detention, in extreme situations the accused was not allowed to contact an attorney or examine evidence against him. A detainee could appeal that decision to the High Court of Justice (article 40 (3) of the Code of Criminal Procedures). On the other hand, he was always allowed contact with one or more immediate family members (article 40 (2) of the Code of Criminal Procedures).

32. The initial 14 days of detention could be extended by the prosecuting officer only if urgently required by the investigation and only for crimes listed in article 56 of the Code of Criminal Procedures. He recalled that the Office of the Attorney-General required that cases be prepared for trial as soon as possible and that detainees, pursuant to article 54 (a) of the Code of Criminal Procedures, had the right to file a petition with the investigating judge, who decided if the detention was in conformity with the law.

33. Turning to questions 16 and 17 on prison conditions and juvenile detainees, he pointed out that a special committee on prison conditions had been established and new prison facilities were planned; existing detention facilities were not considered to be overcrowded. Male juvenile detainees were housed separately from adults and had access to education, sports and other activities and to social workers. New prison facilities would likewise provide separate detention facilities for minors and adults. He noted there was only one under-age girl currently detained in the prison for women; she was housed separately from the adults and received special care from correctional officers.

Protection of children (article 24 of the Covenant)

34. **Mr. Limon** (Suriname) said, with regard to the educational system, especially in the interior of the country (question 18), that since almost 80 per cent of the schools there were run by different religious denominations, there was a need for a common, comprehensive government approach to improving the system. One innovative strategy developed by the Ministry of Education and Development together with the Ministry of Regional Development had been to introduce a "nucleus centre system" in a given geographical area, serving the surrounding villages and helping to upgrade the teachers and provide distance education in the mother-tongue of the different Maroon and indigenous communities.

Non-discrimination before the law and protection of national minorities (articles 26 and 27 of the Covenant)

35. **Mr. Limon** (Suriname) said that the Government was protecting indigenous rights to land and other resources (question 19) by according a privileged

status to the Maroon and indigenous Amerindian communities, who must be allowed to continue living on the lands they had occupied for centuries in an environmentally sustainable way and in accordance with their own cultures and customs. The juxtaposition of the different tribes in the interior, however, made it somewhat complicated to allocate the land. In addition, there were several other ethnic groups with their own cultures and customs in Suriname, and the Government had to take the development of the whole nation into account. A case regarding title to land was currently being heard by the Inter-American Commission on Human Rights, and the Government was open to constructive dialogue with the tribes themselves and with other institutions and non-governmental organizations.

36. Maroons and Amerindians had representatives both in Parliament and at the district and local levels, and thus participated in decisions that affected their lives. Under the Mining Act and other domestic laws, district officials must consult in advance with tribal chiefs about logging and mining concessions (question 20) and make recommendations to the Government on granting such concessions, which were never granted in the areas where Maroons and Amerindians were living. Every State had the right to use its natural resources for the good of the entire nation, provided it was done in conformity with international law and the special status of the citizens living in the areas concerned. No village had ever been relocated as a result of mining and logging activities (question 21), although some had been relocated in the 1960s to create an inland lake.

37. The University of Suriname, in cooperation with the National Institute for Environmental Development, was studying the effect that mercury run-off was having on the life, health and environment of the indigenous people in the interior (question 23), and Suriname, together with Guyana and French Guyana was participating in a regional project sponsored by Brazil and the Pan American Health Organization to monitor the effects of the use of mercury in small-scale gold mining in the interior. Efforts were being made to introduce alternatives to the use of mercury in mining.

38. There was no discrimination in Suriname with respect to employment, education, culture and way of life (question 22) of the Amerindian community. In the past, unfamiliarity with indigenous customs had bred minor incidents of racial discrimination, but that was no longer the case. The State was proud that it had such a variety of cultures, religions and ethnic groups, and its policy was to promote a harmonious cultural democracy for all the world to see. Equality of employment opportunities benefited all citizens. Amerindians, like all citizens, were employed in positions for which they were qualified, even as indigenous education was being upgraded.

Dissemination of information regarding the Covenant

39. **Mr. Limon** (Suriname) said, in answer to question 24, that the Government, in partnership with other Governments and non-governmental organizations, regularly offered human rights courses for judges, prosecutors, customs officials and lawyers. Human rights was part of the curriculum in the training of law-enforcement and correctional officers, and courses were offered at the high school level. Several non-governmental organizations had been successful in increasing awareness of the Optional Protocol procedure among Amerindians and Maroons.

The meeting rose at 6 p.m.